

EXECUTIVE ORDER NO. 12174

Nov. 30, 1973, 44 F.R. 69009

PAPERWORK

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to establish procedures that eliminate all paperwork burdens on the public above the minimum necessary to determine and implement public policy and ensure compliance with Federal laws, it is hereby ordered as follows:

1-101. Agencies shall minimize the paperwork burden—i. e., the time and costs entailed in complying with requests for information and recordkeeping requirements—imposed on persons outside the Federal government. Forms should be used only to the extent necessary to gather the basic information required to fulfill an agency's mission. When forms must be used, they should be as short as possible and should elicit information in a simple, straightforward fashion.

1-102. Each agency shall designate an existing official to be responsible for minimizing both the agency's use of forms and the paperwork burden resulting from proposed legislation and regulations.

1-103. Agencies shall pay particular attention to the special burdens faced by individuals and small organizations in responding to requests for information. To minimize these burdens agencies should, whenever possible, forego uniform or universal reporting requirements and rely instead on sampling, reduced frequency of reporting, differing compliance standards, or exemptions.

1-104. Each agency shall prepare an annual paperwork budget, i. e., an estimate of the total number of hours required to comply with requests for information. The budget should itemize each form used, describe its purpose and identify those affected by it. The Director of the Office of Management and Budget shall review and may modify each agency's proposed budget. After the Director has approved an agency's paperwork budget, it may be increased only by the Director upon request of the head of the agency.

1-105. Forms or similar requests for information shall be reviewed within two years after their initial issuance and then at least once every five years. Following review, they should be revised or abandoned to the extent they are not required to meet an agency's basic information needs. These reviews will be conducted by the agencies, and reports of the reviews will be submitted to the Director.

1-106. The Director shall audit compliance with this Order and may issue rules and regulations necessary to implement it. The Director may issue exemptions for agencies whose use of forms is limited. The Director also shall:

(a) Seek to eliminate duplication in requests for information by establishing a Federal information locator system, which will list all the types of information collected by Federal agencies and will be available for use by all agencies. This or similar systems will not contain any information obtained from the public. The Director shall take any other steps needed to prevent duplication, including the assignment to a particular agency of lead responsibility for the collection of certain types of information.

(b) Seek to inform the public and broaden public and agency comment by preparing and publishing in the Federal Register an annual paperwork calendar of significant requests for information.

This calendar will be based on the information contained in the agencies' paperwork budgets.

(c) Report annually to the President on implementation of this Order and control of the paperwork burden generally.

1-107. The authority vested in the Director under this Order shall not affect any authority vested in him by any other Order. This Order shall be implemented in a manner consistent with all applicable Federal statutes.

1-108. For purposes of this Order, agency means those agencies covered by Executive Order 12044 [set out as a note under section 553 of this title].

1-109. This Order will expire on September 30, 1983.

JIMMY CARTER

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2. Construction—Generally

Unless requested material falls within one of the nine statutory exemptions, this section, which is broadly conceived and basic policy of which is in favor of disclosure, requires that records and material in possession of federal agencies be made available on demand to any member of general public. *N. L. R. B. v. Robbins Tire & Rubber Co.*, Ala. 1978, 98 S.Ct. 2311, 437 U.S. 214, 57 L.Ed.2d 159.

Provisions of this section directing government agencies to disclose certain types of records and describing the manner of disclosure are to be interpreted broadly to achieve the goal of full disclosure. *Cox v. U. S. Dept. of Justice*, C.A. Mo. 1978, 576 F.2d 1302.

"Similar files," within purview of exemption under this section for "personal

and medical disclosure of clearly unwarranted privacy," shown, technical, sonic Homes and A. M. of C.A. Pa. 1977, 556.

Requests for information must be v. U. S. Centre C.N.J. 1978, 461.

2a. Construction in construction, ultimate interpretation, ling weight and or inconsistent v. Cardwell, C.

3. — Narrow Chamberlain, 235 (main volume versed in part 827.

Columbia Pa Dept. of Agric [main volume], Mobil Oil Cor 305 (main volume, Supp. 849.

Legislative hi the 1974 amendn row construction the rule of disc of Scientology v. Bell, C.A.D.C. Statutory exer are to be narrow Ass'n of Govern 1978, 593 F.2d 1.

In determini operative, the disclosure be th narrowly constr observed. *Consu v. Consumer Pro 1978, 500 F.2d 1.*

certiorari granted Exemptions to narrowly constr U. S., Inc. v. Ho 191 U.S.App.D.C. Exemptions p must be narrow: S. Dept. of Just 1302.

Exemptions in narrowly constr solved in favor of absence of clear agency material lotte-Mecklenburg Perry, C.A.N.C.19

This section wa to publicize all a exemptions are to Robbins Tire & B., C.A.Ala.1977, other grounds 98 57 L.Ed.2d 159.

Disclosure, not objective of this are to be narrow land Medical Cent R., C.A.Mass.1976.

Exemptions to construed narrow Deposit Ins. Cor Supp. 1329.

Provisions of construed broadly be construed na Callfano, D.C.Pa.19

All agency doc preted broadly as specifically exen Smith v. Flahert Supp. 815.